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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,939	08/31/2001	Tammie Dang	SVL920010042US1/2168P	2261
29141	7590	01/27/2006		
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			EXAMINER TO, BAOQUOC N	
			ART UNIT	PAPER NUMBER
			2162	
DATE MAILED: 01/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No. 09/944,939	Applicant(s) DANG ET AL.	
	Examiner Baoquoc N. To	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 8 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

MPEP 2106 IV. B.2. (b)

3. A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

Regarding claims 1-12 in view of the above cited MPEP section, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts. All the recited steps of the method can be done by a person as a mental step or using pencil

and paper. The use of a computer has not been indicated.

Regarding claims 8-12 in view of the above cited MPEP section, are not statutory because they merely recite a number of processing steps without producing any tangible result and/or being limited to a practical application within the technological arts.

Regarding claims 15-20 in view of the above cited MPEP section, are not statutory because they merely recite a number of program instructions without producing any tangible result and/or being limited to a practical application within the technological arts.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-11, 14 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pirahesh et al. (US. Patent No. 5,960,426).

Regarding claims 1, 8 and 15, Pirahesh teaches a method for dynamically changing attributes in an embedded-SQL application, the method comprising the step of:

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(a) providing an option within a standard SQL statement for specifying one or more attributes of at least a declared cursor (SQL DECLARE "x" CURSOR statement) (col. 1, lines 65-67 and col. 3, lines 1-5); and

(b) processing the standard SQL statement to include the specific one or more attributes in at least the declared cursor (update and delete operation are performed as the cursor iterates from row to row) (col. 2, lines 5-9).

Regarding on claims 2, 9 and 16, Pirahesh teaches the method recited in claim 1, wherein the option providing step (a) providing an ATTRIBUTES option.

Regarding on claims 3, 10 and 17, Pirahesh teaches the method recited in claim 2, wherein option within an PREPARE statement (Selecting) (col. 2, lines 35-36).

Regarding on claims 4, 11 and 18, Pirahesh teaches wherein the processing step (b) comprises the step of (b1) parsing the ATTRIBUTES options (parsing) (col. 8, line 9).

Regarding on claims 7 and 14, Pirahesh teaches the method recited in claim 1 further comprising the step of (c) utilizing the one or more attributes in a concatenated string for a dynamic cache system of a database server (col. 8, lines 35-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6, 12-13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirahesh et al. (US. Patent No. 5,960,426) in view of Clark (US Patent No. 6,354,244 B1)

Regarding on claims 5, 12 and 19, Pirahesh does not explicitly teach the method recited in claim 4 further comprising step (c) resolving conflicting and duplicate attributes. However, Clark also suggests "the parser-extractor also includes a conflict resolver that determines whether the attribute identifier of each translatable source segment and each corresponding target segment is a unique attribute identifier and, if not, assigning a unique attribute identifier" (col. 3, lines 57-51). This suggests the concept of resolving attributes. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Pirahesh's system to include conflict resolver of the parsed attributes as taught by Clark in order provide to checks the SQL statement for syntactic and semantic validity and determines whether the processes issuing the statement has privileges to execute it.

Regarding on claims 6, 13 and 20, Pirahesh does not explicitly teach the method recited in claim 5 further comprising the step of (c) placing the resolved attributes in a parse tree. However, Clark teaches "parser-extractor 320 also includes conflict resolver 520 that determines whether the attribute identifier of each translatable source segment and each corresponding target segment is unique and, if not, assign a unique attribute identifier. Such unique attribute identifiers, associated translatable source segments and corresponding target segments, supporting source and target segments, and information regarding the source and target files from which such

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segment were derived, are stored by conflicts resolver 520 in appropriate data structures, such as translatable source segment database 322 and corresponding target segment database 324" (col. 15, lines 54-65). This suggests that conflict resolver stored the attributes in the data structures or tree. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Piraresh's system to include the conflict resolver to store the attributes in the data structure e.g. tree or hierarchical as taught by Clark in order to checks the SQL statement for syntactic and semantic validity and determines whether the processes issuing the statement has privileges to execute it.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

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(571) -273-8300

[Official Communication]

BQ To

January 21st, 2006



JEAN M. CORRIELUS
PRIMARY EXAMINER